

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIBEL BAEZ; FELIPA CRUZ; RD., ON BEHALF OF
HER MINOR CHILD, A.S.; on their own behalf and
on behalf of all others similarly situated;
UPPER MANHATTAN TOGETHER, INC.; and
SOUTH BRONX CHURCHES SPONSORING
COMMITTEE, INC.,

Plaintiffs,

vs.

NEW YORK CITY HOUSING AUTHORITY,

Defendant.

13 Civ. 8916 (WHP)

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DECLARATION OF MAGDALENA D. IN SUPPORT OF
PLAINTIFFS' MOTION TO ENFORCE STIPULATION AND ORDER

I, MAGDALENA D., declare under penalty of perjury that the following is true and correct:

1. I make this declaration in support of Plaintiffs' motion to enforce the stipulation and order this Court approved on April 17, 2014.

2. I live in New York City Housing Authority ("NYCHA") housing in Manhattan. I am a tenant at 1695 Madison Avenue, Apartment 14C, New York, New York 10029.

3. I have lived at 1695 Madison Avenue, Apartment 14C since 2007. My four daughters and son live with me in the apartment.

4. I am thirty-six years old, and I was diagnosed with asthma when I was about twenty-two years old.

5. My three-year-old daughter, seven-year-old daughter, twelve-year-old son, and seventeen-year-old daughter also suffer from asthma.

6. Since approximately 2010, I have dealt with mold issues in my apartment. Photographs of the mold in my bathroom are attached to this declaration as Exhibit 1. Mold is growing in the bathroom on the ceiling and around the bathtub, and in the bedroom around the window. The excessive moisture and mold have caused extensive black stains to appear on my bathroom ceiling and have also caused black stains, sweating, cracking, and bubbling of paint on the bedroom walls. The vent in my bathroom does not work properly and we constantly smell smoke from other apartments coming in through the vent.

7. Every four to five months, I repaint the ceiling of my bathroom to try to cover the mold buildup.

8. If I have not painted recently and the black stains on the bathroom ceiling are extensive, the bathroom smells bad from the mold.

9. I have complained to NYCHA several times since approximately 2011 about the mold and moisture conditions in my bathroom and bedroom. Most recently, I called NYCHA about the mold and moisture conditions in my apartment on January 22, 2015. The work order ticket number associated with this complaint is 35392427.

10. NYCHA employees were scheduled to come to my apartment on February 4, 2015 to respond to my complaint, but I was at home all day and no one showed up. I did not receive a note indicating that anyone had attempted to come to my apartment.

11. On March 19, 2015, NYCHA employees came to clean the mold on the ceiling in my bathroom and re-caulked the edges of the bathtub. I was not sure which work order ticket NYCHA was responding to when they came to my apartment on this date, so I called the

NYCHA Customer Care Hotline to find out. I was informed that my housing development entered this work order ticket without my knowledge on March 19, 2015. The work order ticket for this appointment is 36634543. While the NYCHA employees were working in my apartment, my superintendent told me that the heat in the bathroom is what is causing the mold to grow and my family and I will need to take showers with the door open if we want to get rid of the mold.

12. At the time of this declaration, the mold has not returned, but I believe it is only a matter of time before the mold comes back.

04/19/15
Date

Magdalena D.
Magdalena D.